

PARKS AND CULTURAL AFFAIRS COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks and Cultural Affairs Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on June 21, 2006.

MEMBERS PRESENT:

Leg. Lynne C. Nowick, Chairperson
Leg. Vivian Vilorio•Fisher, Vice•Chairperson
Leg. Kate M. Browning
Leg. Jon Cooper
Leg. Cameron Alden

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Richard K. Baker, Deputy Clerk
Jill Moss, Budget Review Office
Ginny Suhr, Aide to Leg. Vilorio•Fisher
Ronald F. Foley, Commissioner of Parks
Ben Zwirn, Assistant Deputy County Executive
Dennis Brown, Assistant County Attorney

Paul Perillie, Aide to Minority Caucus
Vito Minei, Director of Division of Environmental Quality
Warren Greene, Aide to Leg. Alden
Barbara LoMoriello, PO's Office
Alexandra Sullivan, AME
Bill Raab
Jim Kelly
Edward F. Kaspshak
Victor Rjesnjansky
Lou Giordano
Robert F. Baumann
Rich Snizek
John Cushman
Stuart Libster
Mark Wroobel
Matthew Catania
Kathleen Marshall
Johan McConnell
Douglas Steigerwald
Joanne Steigerwald

ALSO IN ATTENDANCE (continued)

John Hachmann
Tim Jurik
Bruce Karas
David Moriarty
Tom Voltz
Howard Carpluk
Joanne Steigerwald
Sue Davis
Joe Cavaliere
Bill Marshall
Christine Marshall
Sal Abatemarco
Joseph Bishop

Michael Weygand
Peter Doyle
Elizabeth Schandel
Bill Kirchoff
James Kelly
Joseph W. Bishop
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE COMMITTEE COMMENCED AT 11:11 AM)

CHAIRPERSON NOWICK:

Please stand for the Pledge of Allegiance so we can start the committee for the Parks and Recreation led by Legislator Alden.

(SALUTATION)

PUBLIC PORTION

CHAIRPERSON NOWICK:

Good morning everybody. We do not have any presentations today but we do have several cards. So I'll bring you up one by one. And I will remind you that it is three minutes for the public portion. And we do not •• we are not permitted to ask questions. James Kelly.

LEG. VILORIA • FISHER:

Actually, yes, we are.

CHAIRPERSON NOWICK:

Actually, I'm sorry. We are at the committee meeting. James Kelly. And on deck •• oh, boy •• Edward _Kaspalek_.

LEG. VILORIA • FISHER:

We have more cards coming, Lynne.

MR. KELLY:

Thank you very much for this opportunity to address the Parks and Recreation Committee. I am a gun owner and I am looking ••

CHAIRPERSON NOWICK:

Excuse me. Would you please •• excuse me. And just state your name and

please speak into the microphone.

MR. KELLY:

I'm sorry. Right, okay. My name is James Kelly. I am a board member of SAFE. That's the sportsmen association for firearms education. I'm also a trap and skeet shooter.

CHAIRPERSON NOWICK:

Thank you. Is that it?

MR. KELLY:

No, I'm going to say a little more. We've been waiting approximately four years for this range to open up. This range has never been a problem; there's never been a safety issue. And by the way contrary to what some people say, there's never been a lead problem. That's complete and utter nonsense.

Why? Because it's a county-owned facility, every so often the County has to remove lead from the range. The lead is removed by an outside contractor. And the contractor pays the County for this privilege of removing the lead. So consequently there is no lead problem. They'll come in periodically and they'll do that and then they'll set the property correctly. The Suffolk County Department of Health did a study on the lead issue at the range. And they said there was no problem. There were other very exhausting studies done. They came to the same conclusion. This range has never had an accident; never had a problem in over fifty years.

I understand people complain about noise, but in the past four years we've had many shooters who live in the area, who lived there when the range was open and said the noise was not a problem.

So, basically what we're saying is, hey, it's been long enough. We've been arguing about this for four years. We have a spotless safety record. The lead problem is dealt with. The noise issues are not that significant. And if you wanted to deal with this issue fairly, then you would have to start citing garbage trucks; you'd have to start citing school buses under this county noise law.

And consequently we are looking for it to be opened. And if there are any problems at that point they should be addressed. But as of right now there is no good reason for it not to be open.

I also •• one other thing I want to point out to you; is Focus Yaphank has said that their property values would go down if this range is opened up. And people say, well, we can't sell our property. But I don't believe there's a bit of truth in that. Why? Because I know of people who have been trying to purchase property out there specifically because the range will reopen. And they're looking to retire there and they're looking to buy. And the bottom line is, you know, if you got a buyer and you got somebody who wants to sell their property, there shouldn't be a problem. And I don't believe that this is a viable •• a viable reason for not opening up the range. I, in fact, see from what I know that people will pay a premium to live close to the range. And maybe some people at Focus Yaphank can't believe it, but that is true.

So I don't believe the complaints or the •• whatever •• whatever you want to call it, the complaints or the issues with the range are viable ones. I think we've gone over this the last four year and we've killed this issue dead. My feeling is it's better to open up the range; and then if there are any issues we can deal with it at that time. And I think that's about it.

CHAIRPERSON NOWICK:

Thank you.

MR. KELLY:

You're welcome.

CHAIRPERSON NOWICK:

Edward Kaspshak is speaking next. On deck is John Cushman. I'll call you in a minute, John.

MR. KASPSHAK:

My name is Edward Kaspshak. I live at 1106 Hyman Avenue in Bay Shore. I grew up and spent all my time in Shirley. I used to go swimming when I

was a kid. We started in 1956 out there. We used to walk from our house from William Floyd down to the park and go swimming off the Sunrise Bridge in the river there using the park facilities there in Smith Point.

As far as the topic of the value of properties decreasing because of noise or anything else like that, we had ten acres adjacent to the airport. And our property value did nothing but sky rocket as they built that airport up. So, I don't see how that could be a viable, you know, problem because the people that are going to be coming there are going to be spending money in this town. And lots of it. And I'm just a strong supporter to keep our parks going the way they've been going all along. I am an avid fisherman and conservationist. And most sportsmen are. Thank you.

CHAIRPERSON NOWICK:

Thank you, sir. John Cushman. And on deck will be Victor Rjesnjansky. Good morning.

MR. CUSHMAN:

Good morning, Madam Chairman, members of the committee. Thank you once again for being here. I realize you probably wish I weren't. You guys have seen me so often over the last five years on this issue, I guess we're all tired of talking about it so I won't get into the minutia all over again.

We only brought a few people to try to re•emphasize; again this issue has been debated fully, thoroughly and extremely in depth over the last five years. Every possible allegation made as to why this range should not open has been addressed, answered fully and responsibly by the County Legislature. And I believe we should proceed. I'm here to oppose resolution 1738. I do not think it is necessary. I do not think it's in the best interest of the majority of the residents of Suffolk County.

I do understand the logic behind it. Miss Browning and I did speak. I thank her for the opportunity to have had that conversation. And she raises some issues; but the issues that she raises are not a reason why the range should be closed. For example, and this is only as an example, residents who bought houses in there were lied to by there real estate agents that the range didn't exist or were told that it would never re•open. Let's prosecute

those real estate agents for lying. Let's take their license away from them. Let them refund all commissions and fees they made while lying and distorting the truth. I'm in favor of that. They broke the law. Let them pay the penalty for it.

I do not believe that the entire one and a half million people of Suffolk County should pay the price for the arrogance of those who are willing to break the law to make a sale for a home. And I don't think the rest of us should be penalized for that. Just my example. I mean I understand that these things happen. But I also do the same thing. When I bought my house, and I've owned three in my lifetime, I did a due diligence. I drove around. I wanted to see how many kids were in the neighborhood. I wanted to see which houses were well maintained and taken care of and what was in my neighborhood before I actually signed on the dotted line. And I guess I just assumed most people who buy a house and invest that kind of money would do just that.

The range has been there for over fifty years without an incident; without a problem. A number of the issues even in this resolution have been responded to, answered and resolved. There is no contamination of the water supply. This is done by both the county and outside agencies. I don't see why it has to be done a third time. It hasn't had a problem in fifty years. Nothing is perfect. If there's a noise problem, we're going to need to find out what that is. And the only way that can happen is when the range opens and we can actually see it so that the vendor and the sportsmen who are helping out will address the issue as it goes along. Up until now we've had no such opportunity to do that. I think there's been a lot of time, money and effort expended on everybody's part.

When we first started with this issue, I showed up here, I think, with 180 people and 96 speakers. I promised I would not do that again. Please reject this resolution or table the resolution and let the range open so that the benefit of all of the residents and even the non-residents of Suffolk County can use the facility because there's no similar type of facility anywhere in Nassau County or New York City. And the County will reap the benefits from this. If the committee members have any questions for me, I stand ready to answer. Otherwise thank you for your time.

LEG. VILORIA • FISHER:

Thank you, sir.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Victor Rjesnjansky. And on deck would be Robert Baumann.

MR. RJESNJANSKY:

Good morning. My name is Victor Rjesnjansky. I live in Shirley. And I'm here to support Kate Browning's resolution to cease the operations of the gun range. I had a chance to talk to the vendor this morning. And he says he's going to open regardless that they have clearance to open already on the first regardless of any noise issue that there is there. Because when the gun range was open in the past, there was a noise issue that we worked with the County for years and years and years to try and get something done which they did absolutely nothing. And that's what's going happen this time. He's going to open and we're going to be fighting for years to get him to do something. And nothing is going to be done for us. And the only thing we got is our little Town of Brookhaven noise ordinance that •• they're questioning that also.

They talk about there's no place to shoot. I went on line last night and I looked and I found 207 shooting ranges in New York State; 36 of them which are on Long Island. I understand that there's all different forms of shooting. Some of these are indoors. But a lot them are outdoors. There's one out in Manorville that's outdoors. They have sporting clays. Some of them are private, but, you know what? Nothing's stopping you from joining a private club. There's one that the Town of Brookhaven runs. It's up there. It's about maybe, I'm guessing, seven to ten miles away from there. And they say that their attendance is under what it should be. That means that the range is under•utilized. So they're looking for more people to come there. I'm just wondering, you know, why won't these people go that extra 7 miles to go to this range that's open. And obviously they don't have really a problem with noise over there.

If you look at where this gun range is, the community has grown up around this gun range over the •• especially since they've been closed because, yes, a lot of people were told, and we were told by the Parks Commissioner and • that this will not open. This range is closed and will not be open again. There's a place for this to be. It's somewhere else. It's not in our neighborhood. You know, what if Suffolk County suddenly said, hey, you know what? We're going to let everybody that wants to shoot in their own yards. And you're their neighbor? How would you feel? You would not like it. They are coming into our yards to shoot. And we're not talking one gun look a lawn mower running for maybe 10 or 15 minutes. A lawn mower and a school bus is a necessity of life. These are things we have to put up with.

The airport •• a plane flies over my house, yeah, it's loud; but you know what? In a minute it's gone. And then maybe 15 minutes later it makes another noise. I don't think they want to go over there and shoot like that, shoot for 10 minutes and then give us at least a break or something. There's no break. This range will operate. They have seven days a week permission, 365 days a year to operate this range. And we're talking 20 plus shooting stations that will •• they'll be in there going crazy all day. We will never have a break and while all our property values go down. Nobody wants to live •• I mean I have a school bus stop right on my corner. Yeah, the school bus comes, there's a little noise and then drives away and that's it. Nobody wants to live near a shooting range even if you do shoot. I mean NRA •• • thank you very much.

CHAIRPERSON NOWICK:

Thank you, sir.

MR. RJESNJANSKY:

I'm going to leave this 207 shooting ranges here to be entered into the minutes. And if anybody wants to look at them. There's 36 of them on the Island, I mean. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Robert Baumann. And on deck is Lou Giordano.

MR. BAUMANN:

Good morning again, Legislators. Ladies and Gentlemen, we have to stop meeting like this. My name is Robert Baumann. I live in Copiague. I am the President of the Suffolk Alliance Sportsmen. I am the Long Island Region Director for the New York State Rifle and Pistol Association, which is the official state level affiliate of the NRA.

In those two positions, my primary responsibility is to preserve, protect and hopefully to expand the shooting opportunities for legal gun owners and sportsmen in my area. I can assure you that we are unalterably opposed to this resolution. It's very interesting. I won't beat the tests and examinations and surveys that have been done to death. That's probably been handled in many instances, plus this morning's previous speakers.

In relation to the value of the homes in that particular area, I drove down Gerard Road. And I stopped at the range a week or so ago when I had occasion to be out there. And strangely enough I don't think those particular concerns of the property values hold much water because there didn't seem to be getting any shortage of new homes under construction in that area. Now either everyone is being lied to, an often lot of people are blind or they haven't done their homework. But undoubtedly as a previous speaker mentioned in relation to the construction near the airport, property values go up, people are •• want to move into the area because of convenience, business, etcetera, etcetera.

It's interesting to note that the originator of this particular resolution has a very, very cavalier attitude which offends me as a tax paying citizen of Suffolk County. With the \$800,000 that the County authorized over the last several years to do these tests and examinations and surveys, which would be shot down the drain, gone, taxpayers' money, yours and mine, hard •earned taxpayers' money; that she has such a cavalier attitude towards our hard earned taxes raises very, very serious question in my mind. And if you think about it, I think anybody who is a tax paying citizen should be concerned over the fact that this particular attitude or apparent attitude seems to confirm my long held conviction that nothing spends so readily as someone else's money. Thank you very much.

CHAIRPERSON NOWICK:

Thank you. Lou Giordano. And on deck would be Mark Wroobel.

MR. GIORDANO:

Thank you for the opportunity to speak. I'm Lou Giordano, Vice President of SAFE. We've been fighting to get this range open the last four and a half years. We've had studies as you all know. Many have been in the Legislature in the last couple of years. We've all voted to have this money allotted. And all the environmental problems have been addressed. There is no pending problem now. We need this range open. The County is losing money by not having it open. And I feel thoroughly that this resolution would do nothing but just postpone what we need to do. Thank you.

CHAIRPERSON NOWICK:

Thank you, sir. Thank you. Mark Wroobel. And on deck is Stuart Libster.

MR. WROOBEL:

Good afternoon. My name is Mark Wroobel. And I'm the new licensee for the Suffolk County Trap and Skeet Range. I find it sad to be sitting here again to defend this great facility. Just this past December the County Legislature overwhelmingly voted to authorize my contract. This comes after years of testing the facility for any lead contamination or safety problems. Time and time again the same result. No problems. Studies and reports done by both outside agencies in Suffolk County Department of Health reveal that lead fired at this facility for more than 50 years has never posed any environmental threat to either the soil or water on or surrounding the range as a few local anti-gun and range protesters allege.

Furthermore, the anti-range rhetoric by the South Yaphank Civic Association is full of half truths and lies. Let's talk about the true nature of the opponents. Greed. They constantly talk of the value of homes in the vicinity of the range would decrease over 20% immediately. That's some real estate speculation. The true fact is the home values in the surrounding area of the range during its full operations appreciated equal to or greater than the average of Suffolk County at that time. So how can anyone attempt to make such a false claim. It's just a typical scare tactic. There is a need for this facility.

Although there is trap and skeet there, this will be the only public sporting clays range on Long Island open to the public. This is never mentioned when compared to the range at Ridge. Sporting clays is one of the fastest growing sports in the country. Imagine Suffolk County with no public golf courses. Would the outdoor friendly Suffolk County want to miss an opportunity to provide a safe environment for the extremely large shooting community? This range is a valuable revenue raising resource for the area. Not just from the license fees, but from the tax dollars spent. Sales tax from items purchased in and around the facility, the trickle down effect is uncountable.

The revenue gained from items purchased from local areas such as a food, gas, hotel and shopping will only help to boost the area economy. Non •residents of Suffolk County that visit this facility will get to see some of the beauty that Suffolk has to offer and maybe make it their home one day as I have. So please use the information studies done over the last four and a half years, read them through. Look at all the numbers for the revenue for the full term of the contract. Not just one year. And you will see that this facility deserves to open and vote no to resolution 1738. Please don't let a very small group of people who purchased their homes full knowingly that the range was open spoil it for the rest of us in the twelfth hour. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Stuart Libster. And On deck Tom Voltz.

MR. LIBSTER:

Good morning. Thank you for giving me the opportunity to speak. I'm a New York State Hunter Safety Instructor. I have used the range for a number of years to teach the New State Hunter Safety Courses. I teach safety and firearms. I've shot at the range. I use the range. I think it's a necessary park to have on Long Island.

I also would like to say that the range the other gentleman said in Manorville

is \$1100 a year to join and has a three•year waiting list. And most of us cannot afford \$1100 a year to join another range. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Tom Voltz. On deck is Richard Snizek, S•n•i•z•e•k.

MR. VOLTZ:

Good morning. My name Tom Voltz. I live in Huntington in Suffolk County, of course. I just wanted to say I'm in support of the range opening. I was using that facility a number of years before it closed down for the time being. I used to bring my kids there. We had a great time. It was a great family place, a lot of fun. It is the only place that I could go, sporting clays, on the island, which was a lot of fun. We were just getting into the sport and then they shut down for a while so I'm really looking forward for this to open up again. And as the previous person said, I can't really afford to join a club so that I can shoot sporting clays once in a while with my kids. So, I'd appreciate it. And as a taxpayer, please help us out. It would put some money in the coiffeurs of Suffolk County. Thank you.

CHAIRPERSON NOWICK:

Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Richard Snizek. And on deck Matthew Catania.

MR. SNIZEK:

Okay. My name is Richard Snizek, 42 Green Lane, Levittown, New York, Nassau County resident. I want to speak on resolution 1738 and I appreciate the opportunity to do that. We've gone through this for four and a half years. I know this resolution speaks to an abandonment of the property. I thought we've already gone through that several times that the property was not abandoned; so the resolution sits on a shaky ground to begin with.

Just to emphasize that Nassau County, New York City there are no public ranges for trap and skeet shooting. You have to join a private facility. And like the gentleman said unless you have enough money to become the country club set, you're not going to be able to do it. This will be a money•maker. It has been a money•maker in the past; it'll continue to be a money•maker for Suffolk County. That's all I have to say. Thank you.

CHAIRPERSON NOWICK:

Thank you, sir. Matthew Catania. And on deck Howard Carpluk.

MR. CATANIA:

My name is Matthew Catania. I participate in Suffolk County shooting range. And I'd like to see it reopen. I'd like to see it reopen as soon as possible. Whatever I have to say has already been said so at the same time I'll just let it go at that time. Please open the range as soon as possible. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Howard Carpluk. And on deck Kathleen Marshall.

MR. CARPLUK:

Good morning. My name is Howard Carpluk and I am a neighbor of the Southaven Park. For over 12 years I've been coming before the Legislature to show my frustration with the operation of the trap and skeet. My neighbors and I have had numerous meetings with the Parks Commission at that time Peter Scully. And our goal was to have the range comply with environmental guidelines shooting range maintenance set forth by the NRA and the EPA and also the local noise laws.

In 1995 a vendor by the name of Charles Marino took over the range with a new lease agreement. Within the lease agreement there were measures the vendor must take to mitigate sound and clean lead from the site. The measures were in place to try and reduce the impact on the environment

and the community. Mr. Marino after a couple of years had done nothing to mitigate sound nor clean up the lead. We kept coming to these meetings and going to the Parks Commissioner stressing the fact that the vendor was in default of his contract with the county. The Parks Commissioner finally closed the facility in 2001 due to the vendor's defaults of the lease agreement.

The people who use the facility have been pushing every political lever they have to get this range reopened. They had a Legislator Ginny Fields who also wanted this range open. Since that time the county had numerous studies done to determine the impact on the environment and the community. The County set up a trap and skeet oversight committee, which not too many people know about, in 2002. It was made out to Commissioner Scully at the time. And it's been made available to the Legislature at this time.

The reason for the oversight committee was to, one, evaluate the lead shop present at the site and make recommendations regarding the reclamation. Also to make recommendation outlined in the US EPA guidance best management practice for lead at outdoor ranges. Also to evaluate the community concerns; noise levels, groundwater, storm water, and etcetera. The oversight committee found that in 1993 the United States Court of Appeals affirmed the EPA's position that gun clubs are not subject to RCRA's regulatory requirements and not viewed as facilities that manage hazardous waste. The Court did conclude that lead shot and clay target meets statutory definition of solid hazardous waste if they're discarded or left to accumulate long after they serve their purpose.

The sporting clays section of the range was one of the busiest sections of the trap and skeet range since 1995 when it was opened by Charles Marino. To this date the lead and clay pigeon debris from this section still lie on the site. Don't let them fool you. They're tricking you. Go take a look at it. It has not been cleaned up since 1995. For 11 years this hazardous waste has sat. This puts the range and the county in violation of the RCRA's regulatory requirements. What bothers me is the County has no intentions of cleaning up the lead and clay pigeon debris. Also they are reopening this sporting clays section only to add to the waste. These federal infractions must be

addressed.

The Oversight Committee found that sound levels from the range were 70 to 90 decibels which was well above the town and county noise laws. The community gave numerous ways to reduce the range emanating from the range. The range is closed to reopen with no noise abatement and no significant abatement planned in the future. So in order to circumvent the noise law in 2002 Ginny Fields and the gun lobbyist pushed a resolution through legislation to exempt the trap and skeet from the county noise law.

CHAIRPERSON NOWICK:

Mr. Carpluk, your time is up.

MR. CARPLUK:

I just have one paragraph left. With the county noise law out of the way, the next step was for them to circumvent the town noise law. Ginny Fields, thanks to her gun lobbyist friends, was now in the state assembly. The first thing on her agenda was to oppose the resolution to exempt the Suffolk County Trap and Skeet from any local noise laws. Thanks to Patricia Eddington and Mark Alesi who represent our district in that state assembly this resolution was tabled. The day this range opens they'll be violating town code. The gun lobbyist are lobbying the town •• assembly as we speak.

CHAIRPERSON NOWICK:

Thank you.

MR. CARPLUK:

I still have water testing which they say is negative. And I think I can buy myself a couple of minutes here?

CHAIRPERSON NOWICK:

No, actually if you would like, you can make copies of that and you can pass it around to the committee because unfortunately it's not fair to the others if I give you more time.

MR. CARPLUK:

Can I use one of my constituent's time?

CHAIRPERSON NOWICK:

No, I'm sorry.

MR. CARPLUK:

That's what happened in the past.

CHAIRPERSON NOWICK:

No, we don't.

MR. CARPLUK:

Yes, that has. I've been coming here too many times to find that it has.

CHAIRPERSON NOWICK:

Correct me if I'm wrong, Legislator Alden, you've been here for a long time •
•

LEG. ALDEN:

You're not allowed to give somebody else your time. But let's move on because we got a lot of people who want to speak.

CHAIRPERSON NOWICK:

Okay. Kathleen Marshall.

MR. CARPLUK:

There's too many facts you need to know.

CHAIRPERSON NOWICK:

If you could just pass that around, we'll read that. And on deck Joanne Steigerwald.

MS. MARSHALL:

Good morning, Legislators. My name is Kathleen Marshall. And like the speaker before me I've been here many times also for years, in fact, in support of reopening the trap and skeet range. I'm a female shooter. I was looking forward to this range opening. And now at the eleventh hour it

seems that there's another bump in the road.

I'm here to oppose this resolution that was put forward practically days before this range was supposed to open, again forcing people out of Suffolk County like a lot of the opposers have said giving 200 page documents is not helpful to the county. I want my taxes to go down. This is a revenue raising expense. And I'm in support of opening the trap and skeet range and wholly in opposition to 1738. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Joanne Steigerwald. And on deck Sue Davis.

MS. STEIGERWALD:

Hi, good morning. My name is Joanne Steigerwald and I'm here to support Kate Browning's resolution to close the trap and skeet facility. I've spoken before the Legislature many times in the past with all my oppositions. I just take exception to the fact that our tax dollars are being spent to benefit a vendor from Nassau County. It's a hobby. It's not a necessity. It's not something that's needed in Suffolk County at this time.

All the arguments that I'm sitting here listening to about that as a homeowner, we're greedy. My husband and I purchased our home last year. We bought it at market value. We did not buy it at a discounted rate. There have been several hundred homes built in the area while this facility had been shut down. And those individuals did not buy it at a discounted rate also. I had no intention of selling my home. I love the area. I like my peace and quiet as anybody would. And I would like to have it remain that way.

All the arguments that we have presented from the South Yaphank Civic Association focus.yaphank.org and just other neighbors of mine, they have been documented. There is contamination. There's lead. There's water. The 1.1 million that's being spent on the facility will not be returned back to the county according to the contracts with the vendor.

I just implore you please do not open this range. We like our community the way it is. We did contact our Legislator before we made the purchase last year. And we were assured that it would not be opening. And now we're sitting here. I take exception to the twelfth hour. We've been fighting this for a very longtime especially this last year. This isn't something new that there's been opposition to. It's just that nobody's been listening. Thank you.

(APPLAUSE)

LEG. BROWNING:

I have a question.

CHAIRPERSON NOWICK:

You can ask any question.

LEG. BROWNING:

I just wanted to know who was the Legislator you spoke to that said it would not be opened?

MS. STEIGERWALD:

Our County Legislator at the time was Brian Foley.

LEG. BROWNING:

Thank you.

MS. STEIGERWALD:

You're welcome.

CHAIRPERSON NOWICK:

Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Sue Davis. And on deck Mr. Steigerwald. I think it's Douglas.

MS. DAVIS:

Good morning. My name is Sue Davis. I am the closest resident to the shooting range. They're 50 feet behind my house. They've been shooting behind my house 50 feet away from my backyard. I've been there 25 years. They extended the shooting range in the last 25 years. I think at least three more were added to it in the last 25 years.

In the summer I can't keep my windows open. I have children. I have a grandchild now. It's very annoying not to be in my backyard in the summer nine o'clock in the morning right behind my house 50 feet away from my backyard. They •• also one year I went away to Maine, came back, found no water in my pool. There was a whole bunch of pellets in the bottom of my pool. We mailed half of it to the Legislator at the time which was about five years ago. I still have the rest of the pellets in the zip•lock bag. So three has been an incident more than one.

There was another incident where somebody must have been shooting the gun straight up, went all over my front yard. I had a visitor at the time at my house and she was in the front, got scared, ran back into her car. Those are two incidents that did happen. And I am the closest resident. And it is very noisy. And I'd like to know what they're going to do about the sound besides the lead? When you do shoot a gun, I think powder comes off of it. And where is that powder going? Behind my house? That's what I wanted to say. I'm a little nervous because this is my first time here.

CHAIRPERSON NOWICK:

You've done a great job. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Douglas Steigerwald. On deck Joe Cavaliere.

MR. STEIGERWALD:

Hello and thank you for your time. My name is Douglas Steigerwald. I live in Yaphank. I'm moved there a year ago. And my wife and I bought our

dream home. We decided to buy there based on many factors and facts; one fact being that the range was closed more than three years. And opening it would be violating the Pine Protection Act of 1993; Pine Barrens Act.

We contacted our local legislator at the time Brian Foley. We were told that the range if it were in a slim challenge of ever, ever opening there would be very good sound mitigation installed and there are no environmental issues. We decided to buy our home trusting the advice, our own investigations. And we putting our trust in the laws of today's world, it would be held to a high standard. As you know much information now is proving to be false. With the incorrect reporting procedures, our information supplied to the legislators at the time, I think, they were mis•informed. For us to make such a life investment based on this information is very sad and unsettling.

I'd like to read a quote. It's actually from Bob _Seifer_ , a principal of Public Health Sanitarian in the Office of Public Pollution Control. The county Department of Health had concerns. He said "the biggest concern for the County Department of Health was that the range operates near an active park and lead can be inhaled and transferred to the hands through normal activities."

While on Friday under Mark Wroobel's watch, I experienced lead dust being blown with ground blowers as they're cleaning up the dirt. So just imagine what went on there as there's a bus stop as children were getting on and off. That's scares me.

So, this is proof that today's operation of this range is going to be mis•managed health•wise as it was in the past. Obviously there's lead pollution. This gentleman who works for the county proves it. And if it's going to be managed the same as it has in the past which was just proven Friday, we all have problems.

We're asking •• I do support Kate Browning's resolution to close this range. And that is just one issue. John Cushman's quote of greedy homeowners, well, Mr. Cushman, we are greedy. We want a good life; want a healthy life.

Also, just the facts and as far as money, there'll be a net loss of \$34,500 per year of paying off a 15-year loan that the County's taken out to pay this. In taking into consideration of net income back to with the contract \$21,500 5% over 95,000 is \$10,500 returning to the County's windfall of \$32,000 a year showing a net loss of \$34,500 a year. So, this is not a windfall, folks. And it's a health hazard. Thank you for your time.

CHAIRPERSON NOWICK:

Thank you but I have a question for you. Okay. You stated at the beginning of your three minutes that we were given information that this could not open up because it was prohibited by the Pine Barrens Protection Act. I just was curious, you said we were given information. By whom?

MR. STEIGERWALD:

Well, I'm sorry. We had done research through the internet and researched the different laws that everyone can research. And the Pine Barrens Society and the rules that were put •• it's pointed out on the internet where the Pine Barrens Act •• Protection Act of 1993 states that if a facility, a venue within the •• and I'm not an expert on this •• Johan McConnell would be more than glad to fill in details •• she's the President •• but a venue that's been abandoned and as stated on your county web sites as closed, when we called the Parks Department, we were told it was closed before Joanne and I bought our home. And any venue that's abandoned for a year violates it and is taken control by the Commission of the Pine Barrens. And it is closed. You cannot open it. So that is why we invested our life savings based on information.

CHAIRPERSON NOWICK:

That was on an internet site that you found that? A Pine Barrens Society?

MR. STEIGERWALD:

You can do your research. It's all through the different web sites. I'll be glad to give you all the information.

CHAIRPERSON NOWICK:

Okay. I hadn't heard that. I heard actually the opposite but ••

MR. STEIGERWALD:

Well, we're working with Richard Amper from the Pine Barrens Society. He's the ultimate expert on it. And Peter Scully and the Commissioner, we've been before them many times. And it's going on at two o'clock today. But before my wife and I took our life savings out, we did this research. We checked with our local Legislator Brian Foley, obviously an educated man as we all know. We did our research on the internet. And we took a very minimal risk we felt hoping that the Legislator at the times would do the proper thing. Obviously the previous legislator was mis•informed as there are definitely documented proof •• Joanne McConnell will have this •• that report circumvented environmental committees to go to the Legislator at the time and ••

AUDIENCE MEMBERS:

Your three minutes are up.

MR. STEIGERWALD:

I'm being asked questions. I'm allowed to speak.

CHAIRPERSON NOWICK:

I had asked a question and he's answering my question. And Legislator Alden as well has a question, I believe.

LEG. ALDEN:

Actually just a couple of points of clarification. You did the research prior to buying your house?

MR. STEIGERWALD:

Yes, we did.

LEG. ALDEN:

And you had a legal interpretation of the Pine Barrens Act prior to buying your house?

MR. STEIGERWALD:

It's there for anyone to read.

LEG. ALDEN:

No, no, no. You had a legal interpretation of the Pine Barrens Act prior to •• are you a lawyer?

MR. STEIGERWALD:

I'm not a lawyer.

LEG. ALDEN:

Okay, then that would explain it. Because to me •• I am a lawyer. That's a complete mis•interpretation of the Pine Barrens Act. And I was just wondering if you were given that when you went to a lawyer or if you just did the research yourself. If you're claiming you did the research yourself, that would explain why you might have come to the wrong conclusion. But if a lawyer gave you that interpretation, then, if you paid for that advice, you might have an action against that person.

MR. STEIGERWALD:

Oh, no. My wife and I are educated people. We did our research such as you would. And I think very shortly we're all going to find out the exact interpretation of whether it's ••

LEG. ALDEN:

Also, and these are available on line, too, there's a whole series of laws that were passed by this legislative body and signed by the County Executives. And that's two different administrations that actually, you know, point right straight towards this thing opening. So, you know, if you did all that homework, I'm just a little bit disappointed you didn't find that. And I'm going to find out if it's not, you know, on our web site or if it doesn't, you know, point you in the right direction because maybe it was a failure on our part to make it available to the public. But it is available to the public. And every piece of legislation for the past year four years has actually pointed towards the reopening of that range. So I'm sorry that you didn't get that information prior to your buying your house.

MR. STEIGERWALD:

Well, again, I'm going to defer to Johan McConnell shortly. I mean I'm

pretty sure ••

LEG. ALDEN:

Okay. Yeah, but my question was to you and I appreciate your answer. Thank you.

MR. STEIGERWALD:

Thank for your time.

CHAIRPERSON NOWICK:

Okay, thank you.

MR. STEIGERWALD:

Thank you.

CHAIRPERSON NOWICK:

Joe Cavaliere. And on deck is David Moriarity.

MR. CAVALIERE:

Good morning. My name is Joe Cavaliere and I'm a resident of Yaphank. Just before I start, I am selling my house currently. It's been on the market one year. And each and every person that comes to purchase my house rejects it because the gun range may open. I was offered \$130,000 less than the market value. Okay? Those are facts. My house is currently up for sale. Okay? The mere fact that I had to attend this meeting trying to prevent the gun range from opening is in itself bizarre. I fully support Kate Browning and IR 1738.

I'm amazed at any Suffolk County official could seriously entertain the idea that shooting at clay objects takes precedence over the well being of thousands of homeowners; whether it be the lead polluting the protecting the protected Pine Barrens area, the lead dust polluting the air we breathe, the horrible noise that forces you to slam your windows shut and not be able to sit in your backyard. Or the absurdity that the Long Island Steamers train ride for children in Southaven Park is 20 feet from the shooting range fence with a sign that says "danger". If there were one wall painted in a county office with lead paint, OSHA would be here removing that wall

immediately. But it's okay to spray lead dust with each shot into the air that we breathe and dump tons of lead into the ground each year in the most sensitive •• the protected Pine Barrens areas. Let's get real.

Guns make noise so loud that shooters must put ear protection on. The sound travels four miles and beyond. And no wall, no matter how high will ever mitigate the sound. This nonsense that garbage trucks make noise or lawnmowers make noise is an absurd comparison. It's the repetitive noise that frays your nerves. \$1.1 million of Suffolk County tax paying money is being spent on a hobby •• and I emphasize hobby •• in order to appease shooters from Nassau County and distant Suffolk towns. As you notice, nobody lives in Yaphank that's ever spoken at these meetings in favor of the gun range. Okay? Everybody is from distant towns.

This money should be allocated to more serious issues such as the Smithtown homeowners that are trying to rectify the water table problem. And an attempt to open a gun range •• if an attempt were made to open a gun range in the middle of Nassau's County Eisenhower Park, it would elicit a negative response so strong it would be on the front page of Newsday.

Yaphank and the rest of Long Island has evolved over the years. In 2006 Suffolk County is about families and housing. Not shooting and polluting. If we went by the range advocates' logic, we would have only potato farms on Long Island, not one mall or highway. Quite simply, this is not the place for a shooting range and no twisting of the facts could ever substantiate its opening. Thank you.

CHAIRPERSON NOWICK:

Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

David Moriarty. And on deck is Bill Marshall.

MR. MORIARTY:

Good morning, Legislators. Thank you for this opportunity. My name is

David Moriarty and I live in Lake Grove. I am a hunter, I'm a shooter, I'm an NRA member. I'm also a New York City police officer and these are my personal statements.

I don't shoot skeet. I don't shoot trap. I'm actually not a very good shot with a shot gun. I'm not a very good shot with a shot gun. But I am a sportsman. And the opportunities for sportsmen on Long Island are shrinking. One of the gentleman talked about 38 ranges on Long Island. Most of them are pistol ranges. Most of them are inside.

As other people have noted before, the studies done as far as environmental concerns and noise mitigation have been done again and again and again. And my understanding of those problems have been taken care of and will be taken care of.

Someone else mentioned about the intermittent noise compared to a garbage truck or school buses compared to the constant noise of shooting. When my wife and I bought our house nine years ago, we did drive around the neighborhood. And we also realized that we are fairly close to Long Island MacArthur Airport. And we also knew there'd be planes flying over on a regular basis. And we decided that that noise was acceptable and we were well aware that it was there. Anyone who is buying a house or has bought a house in the area of the range had to know that the range was there for 50 years. And even though it has been closed, have to have a pretty good idea that there was a possibility of it opening.

As far as the gentleman doing the research on the internet, and Mr. Alden made the reference that, you know, it's okay to do research on the internet, but make sure of your facts before you make decisions of buying a house. And I think it's been said again and again and again that the range needs to open. And maybe some day I will become a shot gunner and use the range. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Bill Marshall. And on deck Christine Marshall.

MR. MARSHALL:

Good morning, Madam Chairman and committee members. I'd just like to place •• I've testified before about some of the financial aspects. I'm the former Budget Director for Nassau County. On 1738, I'd like to place this a little bit in context. We had a lot of speakers, new homeowners from the area who say this is going to damage their property values and other things.

In Nassau county there's currently pending 65,000 requests for small claims assessment review. Part of that has to do with the reassessment that's going on in Nassau County. But every homeowner has some excuse or gripe as to the diminishing value of their home. And when we talk about 65,000 applications going to Supreme Court, that's one out of every seven homes in Nassau County that got that far where they couldn't make a deal with the county to have their taxes reduced. So we're talking about an awful lot of people. We're talking if you take that 65,000 homeowners, that translates into times four, a quarter of a million people in Nassau County who have some gripe about it.

And they gripe about things like truck traffic, aircraft noise, Long Island railroad trains. And yet they even •• you know, some people even gripe about the shooting range at Mitchel Field. And there is one in Nassau County. There's a Nassau County Police range there. So everyone has a gripe about something. And yet all those people bought their homes in that area and they live there. And they've lived there for a I lot of years.

And remember this area where the range is, is and will always be public space. And it was set aside for public use by our predecessors. And to just let it lay foul and not see the sales tax income that can come from there and the revenue to the Parks Department is crazy. That's not just •• that's •• you just don't let land sit there and do nothing like it's been done for the last couple of years. Thank you very much.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Christine Marshall. On deck Sal Abatemarco.

MS. MARSHALL:

Hi, good afternoon. My name is Christine Marshall. I'm a Suffolk County resident and a woman shooter. And I'm in support of the reopening of the trap and skeet range. As a new homeowner let's build revenue in Suffolk County and ease the burden on the taxpayers. That's it. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Please state your name. Bruce Karas is on deck.

MR. ABATEMARCO:

Hi, how are you? My name is Sal Abatemarco. I'm a Nassau County resident and also a shooter. I'm more than ready and willing to bring my recreational dollars to Suffolk County, not only support the range but the restaurants, gas stations, delis, all the facilities around the range also. So thank you very much.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Bruce Karas. And on deck is Joseph Bishop.

MR. KARAS:

My name is Bruce Karas. And I'm a resident of the neighborhood which is directly across from the range. I'm also an avid fisherman and hunter. And I'm a member of the NRA. And my problem is not with guns; it's with being a good neighbor. It's also with pollution. I think there's a reason why lead shot has been outlawed federally for water fowl in the entire country. And that's because lead does cause problems.

I also feel that cleaning up lead shot, which is about the size of the tip of a ball point pen that's shot into the woods, that's shot on the ground, is very difficult to do. I don't know how much of it you're going to get up scraping

along with a tractor with a blade on the front. When you're talking about little tiny pieces of lead that are being shot into the woods and into the ground.

So some of it will be cleaned up, sure, but there's going to be some that's going to be left behind all the time every day that's being rained on, it's being washed into our soil. The residue also when the guns are going off, you know, the lead in the air is drifting into the park. And it's a very nice park. It's a place for people to go to have corporate picnics or they go to kayaking, canoe and rowboat and enjoy a peaceful atmosphere; not somewhere where they want to go and listen to the racket all day long of shooting.

My neighbor works nights. He sleeps during the day. It's going to be difficult for him to listen to this noise all day long while he's sleeping everyday. For these and other reasons I definitely support IR 1738 and I hope that it does pass.

Comparing the noise to things such as garbage trucks and school buses, I don't think is a fair comparison whatsoever. I think a better comparison would be •• we're approaching the 4th of July now. I think all of it is probably have someone in our neighborhood who illegally shoots off fireworks. They go out there and, you know, for days and days before the 4th of July, on the 4th of July, after the 4th of July they're shooting off packs of fire crackers and making all kinds of noise in our neighborhood. And I would have to say this annoys me. It probably annoys everybody else in the neighborhood, too. And if it was done on one day a year, it wouldn't annoy me. But if it's done constantly year•round, I don't see how anybody could deny the fact that that would be an annoying amount of noise and that they would not like it.

As far as taxpayer money, the people in my neighborhood are all paying around \$9,000 a year in homeowners property taxes. You know, we would like to live in a peaceful environment, a clean environment, a place where we can raise kids and enjoy ourselves. We spent a lot of money on our homes, a lot of money on landscaping. It's a very nice neighborhood. And we don't want to have that destroyed. Thank you.

CHAIRPERSON NOWICK:

Thank you. Joseph Bishop. And on deck is Bill Raab.

(APPLAUSE)

MR. BISHOP:

Good morning. I'm a resident of Suffolk County. And I'm an NRA member. I don't even own a gun, but I just feel strongly that this is an example of government intrusion. As far as lead shot drifting in the air, I think, you know, people should take a look the periodic table of elements. Lead is one of the heaviest elements. And it can't drift far before it settles out of the air.

And you know as far as the gentleman that said that he did research on the internet, well, you know we all know if it's on the internet it must be true.

The range was there for many years before most houses were built near it. It's only •• the real estate agents that lied are the only ones at fault, you know, for misleading the people who bought house there thinking that the range wasn't going to open. The property values have continued to skyrocket and along with tremendous continued development. Most of this is just an offensive example of not in my backyard syndrome. But the local residents shouldn't have bought a nearby if the operation of the range offends them.

Like I said there's a egregious government intrusion. What's next? What if someone buys a house near a farm and doesn't like the noise of the tractor or roosters crowing or the smell of fertilizer? Should the county government force the farm to cease operations? Where does the government intrusion stop? That's all I have to say. Thank you very much.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Bill Raab. And on deck is John McConnell or Johan McConnell. Johan.

MR. RAAB:

Still is. Good morning everyone. Thank you. I'm here to oppose IR 1738. We heard a lot of things. Some of you have been around for quite a while listening to all the arguments as they were made and all of the concerns that were investigated and resolved. Sometimes not to the initiator's success, but they were resolved none the less. The truth came out.

We've heard that none of the residents have been here in support of the range. Well, I seem to remember a Miss _Ashner_ who lives directly across the range coming here to support it and saying she had no problem with the facility. And that's at 158 Gerard Road. You could contact her. She's not here today. But she has been here saying that she had no problem with the operation of the range.

We were told that there were so many ranges. As we discussed an \$1100 initiation fee and a two•year waiting list and having had to have a sponsor. I don't have those things. So, you know we were told why should we spend this money on a shooting range just so people can shoot at clays? Well, why do we spend so I can hit a little white ball and go run after it? So does that mean the County will not spend anymore money on golf courses? I don't think so.

All right. Lead does not wash into the soil in this facility. The McLean Study, which those of you who have been around for a while have hopefully read proves that there is no migration of lead off site. The lead does not go into the ground. The deepest lead that was found was due to mechanical disturbance. And it has not moved from there. People say that they've been there for 25 years and why are you here on your first visit then if it's been annoying you for 25 years? I'd be really hot under the collar then and I'd be here make being noise.

As far as a pool being pierced, anyone who's familiar with ballistics knows that unless you had three inches or less of water in the pool a shot gun pellet can't do that. Okay. Everyone says they like the neighborhood the

way it is. Well, when you moved there you knew the trap and skeet range was there. I like it with the trap and skeet range there. And, you know, I want to see it opened. I'm very surprised that I'm here before you speaking and not able to be out there shooting today. I mean unfortunately we talk about closing the range, moving the range and trap and skeet shooting is okay and •• well, if you close it it's 7.3 million to remediate it. That figure we've gone over before. And then if you go to build a new facility you're probably looking at 6 to \$8 million so if you vote for 1738 you are spending \$14 million of Suffolk County taxpayers' money. And I don't think they're going to be very happy about it. I know I wouldn't be.

They're saying it's not money, it's not money. And then we hear about property values. I don't know. I was on the web sites, FocusYaphank. I was on the website of the Pine Barrens Society which is not the Pine Barrens Commission. The Pine Barrens Society says they want the Pine Barrens Commission to stop the opening, but they're not the Pine Barrens Commission. FocusYaphank, in a quick perusal of the site I came up with 12 references to lower property values so apparently it is about money. That's it. Thank you very much for your time.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Excuse me, sir. Legislator Vilorio•Fisher has a question.

LEG. VILORIA•FISHER:

Mr. Rabb, would you mind going back to that Pine Barrens Society?

MR. RAAB:

Yes.

LEG. VILORIA•FISHER:

The piece that you downloaded from the internet. And maybe just give us what their statement is saying there?

MR. RAAB:

It says the Board of Directors of the Long Island Pine Barrens Society is continuing an investigation into the environmental and legal impacts associated with the proposed re-opening of the trap and skeet range at Southaven County Park in Yaphank. The negative effects of this activity are compounded by its critical habitat and on and on even though our studies that the County paid for and everything show that that's not a problem.

LEG. VILORIA • FISHER:

I had received something also from the Pine Barrens Society.

MR. RAAB:

Okay.

LEG. VILORIA • FISHER:

And I just wanted to see if it was the ••

MR. RAAB:

It's the same thing. Yeah, no problem at all. And just the quick thing is, you know, since the County's been in continuous operation to try and get the facility back in full •• you know, full swing, the abandonment thing doesn't really hold true.

LEG. VILORIA • FISHER:

Thank you Mr. Raab.

MR. RAAB:

Thank you.

CHAIRPERSON NOWICK:

Thank you. Johan McConnell. And on deck is Michael Weygand.

(APPLAUSE)

MS. McCONNELL:

Good morning. Thank you for allowing me to speak. My name is Johan

McConnell. I'm President of the South Yaphank Civic Association. The Civic Association represents approximately 400 families living in the immediate area of the trap and skeet. The members have asked me to thank Legislator Browning for taking the time to listen to our concerns, for visiting the trap and skeet range, for reviewing the four consultant reports, for reviewing the minutes from the various committees that have been involved with the range since 2001 and for asking the opinions of concerned environmental experts. We are not opposed to shooters having a place to participate in their sport.

We are opposed to the location of the facility and the dangers it presents for the environment and for our health. The Civic Association is willing to work to find an alternative site where it will not impact on the groundwater and the Central Pine Barrens. Yes, the range has been in existence since 1960. But the Suffolk Lodge Game Preserve owned by Ken Hart started in 1935 and continued until the early 1960's until Suffolk County purchased his property by eminent domain in order to protect the Carmen's River watershed, the groundwater.

Times change. New laws and regulations are approved. Communities develop. There is an increase in population. And we lose the areas that were once open space. At the present time the County owns 400 acres in Yaphank. There is a committee on review Executive Levy is proposing to develop 250 of those acres. Would the community like to keep that as it is as a rural area? Yes, we would. But we realize there's a need for workforce housing. There is a need for our young people to have a place to live. It's a change. Populations increase.

In recent notices since to various supporters of the range, two comments were made that I would like to address. Number one: The only reason the range was closed was for the investigation by the County Health Department and professional outside companies because of false and misleading allegations by area homeowners. On the Suffolk County Board of Trustees of the Parks Department's minutes I would like to read "former licensee was notified of default on his license agreement on August 31st 2001. Reasons for default were, one, failure to pay two consecutive license fees payments on a timely basis. Two, failure to pay the required advertisement fees.

Three, failure to conduct a thorough lead shot cleanup." The last time the lead shot was cleaned up on the property was in 1995. "Failure to provide a complete sound level test analysis and report."

The second comment that was in the notice "Miss Browning has been listening to the outright lies, misrepresentation and distortions of a few greedy homeowners near the range."

LEG. VILORIA • FISHER:

Pardon me, Miss. Your time is up. If you could just wrap it up, please.

MS. McCONNELL:

Yes, okay.

I have before me two very large and thick binders containing every report, every consulting report •• and there are four of them and recently there's a new one •• minutes from every committee that has discussed the trap and skeet, New York State Pine Barrens Law Article 57 and New York SEQRA regulations. Everything I've ever stated before this committee or the full legislative body has been based on this information. Please vote yes for resolution number 1738.

(APPLAUSE)

LEG. VILORIA • FISHER:

Thank you. Michael Weygand. And on deck is Peter Doyle.

MR. WEYGAND:

Good morning.

LEG. VILORIA • FISHER:

Actually good afternoon.

MR. WEYGAND:

Sorry, good afternoon. My name is Michael Weygand. I live at 118 Gerard Road. I am a homeowner. I am not a greedy homeowner as stated by certain people. I am a concerned parent. Okay? We are a new resident.

Okay? We've been there for two years. We were told that it was indefinitely closed. Okay? I have children. I have concerns. I've been to trap and skeets before where the noise level is crazy. It's constant. I do not want to bring my children up in that kind of environment. All these gentlemen come up here and say, oh, we need to shoot, we need to shoot. But they're all coming from Nassau County or further Suffolk County to shoot. Okay. It's fine. But they're not doing it in their backyard. This is my backyard.

I have children. Okay. And I'm concerned about the noise and the lead pollution. My children should not be exposed to this. Yes, it's been close to four and a half years. If you've gone to the site, you can see nothing has grown in four and a half years. Okay. There's lots by my that has been completely leveled and in six months something has grown. There is lead pollution all over the place. This is a gorgeous park. We can do tremendous things with this park. Okay. People come up and saying about the revenue, the revenue. I'm telling you if you put a golf range in or something else, you can triple or quadruple your revenue. Golf is a lot more •• or you could make a lot more money on other sports than shooting. Thank you for your time.

LEG. VILORIA • FISHER:

Would the young Mr. Weygand be interested in speaking?

MR. WEYGAND:

Do you want to say something?

WEYGAND CHILD: (Shaking head no)

LEG. VILORIA • FISHER:

Okay. There was time left on your time.

CHAIRPERSON NOWICK:

Peter Doyle. And on deck Elizabeth Schandel.

MR. DOYLE:

Hi. My name is Pete Doyle. I would like to thank the Legislature for giving me an opportunity to speak. I think my time here is probably best spent by going over some of the mis•information that seems to go around on the news at night with this situation that we have here about this range. And there are certain things that just aren't •• simply not true. Like, for example, I have been to •• this is the third meeting I've been to about this situation. And today I heard something new about how we have airborne lead pollution. The facts of the matter are in a shotgun shell that's used for trap and skeet shooting, the shot is held in a plastic cup to a point where I guess it •• it's probably about 30 yards; maybe 20 or 30 yards that the plastic drops off because of how light it is and the shot travels on to hopefully break the target. With that protection around the shot, there is no airborne lead problem. Absolutely not.

Now as far as groundwater being affected by the lead that's there, it's been cleaned up in the past. It's a very lucrative business to clean lead up. And I'm sure it would be no problem at all to probably do this on an annual or maybe a biannual basis to have this lead •• what they call mining the lead out of the soil.

As far as lead landing in treed areas where it would be, I admit, certainly difficult to clean that up, make a situation where it's impossible for the lead to land amongst those trees and be hard to clean up. There are all kinds of what they call _petromats_ and things that are used to re•enforce road surfaces these days. That could be laid down on the ground and prevent any lead from getting into the ground and getting thus •• supposedly getting into the ground water.

I understand tests have been done in the past and there is no lead ground pollution water problem there.

Another misnomer is this thing about the noise. I understand that there have been audiological tests done in the street that the range is on, on Gerard Road. And in the street audiological listening devices were set up. Somebody was at the range, around the center of the range where most people shoot, firing a shotgun, a 12 gauge shot gun. And in the street the loudest average they could come up with was about 60 db. 60 db is not much louder than the conversation we're having right now. If it was a 100

or 120 db, that would be very loud and certainly bothersome. The reason shooters use headgear and ear muffs and also shooting glasses, for example, most ranges insist that you have eye and ear protection. The ear protection is because of the fact that my ear will firing a shot gun is going to be three inches away from where the explosion take place. If I'm living on Gerard Road •• I'm sorry?

CHAIRPERSON NOWICK:

Your time is up.

MR. DOYLE:

Okay. If I'm living on Gerard Road, my ears are probably going to be at least 1500 feet away from that noise.

CHAIRPERSON NOWICK:

Thank you, sir.

MR. DOYLE:

And there are other misnomers that have been spoken about that. I think both sides should really agree to sit down and work these things out. I am certainly for reopening the range.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Elizabeth Schandel. On deck the last card will be from Bill Kirchhoff.

MS. SCHANDEL:

Good afternoon. My name is Elizabeth Schandel. And I live in Yaphank. I'd like to say it's unbelievable to think that we the Yaphank residents are fighting to maintain our quality of life in our area. We definitely support Kate's resolution. We'd like to say that they did test all the wells in the park including the camp ground, the steamers, the old bathroom, the new bathrooms, the range station, the Pine Barrens center, the skeet range, drinking well and two monitoring wells in the range. All results showed a lead level below one ppm except for the monitoring wells in the skeet fields,

which showed a level of 20 ppm.

The New York State _Ambrick_ Water Quality for groundwater is 25 ppm. Although this level is below the 25 ppm, I'm asking you how long will it be below? How long will it be below the standard? And will it be considered contaminated? I support Kate Browning's resolution and I applaud her for her care for the area of Yaphank and the health and safety issues of all of us people. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Thank you. Bill Kirchhoff.

MR. KIRCHHOFF:

Good afternoon ladies and Gentlemen. I'm a retired New York State Supreme Court Officer and I am a resident of 21 Windsor Place, Shirley, New York. I've owned this home for approximately 23 years. At the time I purchased that home, I looked at houses adjacent to the range. I chose even though I was a shooter to purchase the house that was approximately three quarters of a mile to a mile away.

We've been before this committee now at least ten times. We've shown this committee that this is a functioning range and it has been there for over 70 years. We have made sure that the sound noises as have been testified here before is far within the ranges that they should be. And a garbage truck going down the block on a school bus dropping off children exceeds the decibel levels more than shooting at the range.

This bill, I take it, is an affront to all of the work that has been done by all of the members that have been here before and now rehashing the same issues over and over again. What are we going to do each time there's a new member of the Suffolk Legislature come back here and refight the same battle over and over again? Our time and our lives are being affected by this. We've been deprived our rights to use this range now for three, almost four years. I'm a boy scout leader and teach boy scouts. The only place we have to teach boy scout proper shot gun and safe handling is at this range in

Suffolk County. Okay?

It's not fair what has gone on and further delay would only be a further slap in the face of everybody that's testified before this committee and all of the committee members on the prior committees and all the hard work that they've put forth. I am very disappointed that we now have another obstacle placed before us in an attempt to close the range that should have never been temporarily stopped. I hope that this committee sees this for what it is and appropriately decreases from this type of behavior. Thank you.

(APPLAUSE)

CHAIRPERSON NOWICK:

Okay. That will end the public portion. I have no more cards. Let me just see where that is on the agenda. We'll do the agenda first, I think, then we'll ••

LEG. ALDEN:

Get the Commissioner.

CHAIRPERSON NOWICK:

I'm going to bring him up right before voting.

TABLED RESOLUTIONS

CHAIRPERSON NOWICK:

I'm going to quickly go through the agenda. Tabled Resolution **1077 (amending the 2006 Capital Budget and Program and appropriating funds in connection with the installation of cash control and security at Suffolk County Park facilities) (Alden)**

LEG. ALDEN:

Motion to table.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

Motion to table by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? **1077 is tabled. (Vote: 5•0)**

1078 (amending the 2006 Capital Budget and Program and appropriating funds in connection with a cash control pilot program at the Suffolk County West Sayville Golf Course) (Alden)

LEG. ALDEN:

Motion to table.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

Motion to table by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? **1078 is tabled. (Vote: 5•0)**

1156 (linking county park fees for veterans for park fees for senior citizens) (Cooper)

LEG. COOPER:

Motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Cooper, second by Legislator Alden. All in favor? Opposed? **1156 is tabled. (Vote: 5•0)**

1464, establishing the Suffolk County Parks Corp Volunteer Cleanup Program. (Romaine)

LEG. COOPER:

Motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Cooper, second by Legislator Vilorina•Fisher. All in favor? Opposed?

LEG. ALDEN:

Opposed.

CHAIRPERSON NOWICK:

Legislator Alden is opposed. I'm opposed. **1464 has been tabled. (Vote: 3•2. Legislators Nowick and Alden opposed)**

INTRODUCTORY RESOLUTIONS

CHAIRPERSON NOWICK:

1689, appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation Scott Hilary. (Lindsay) Is Mr. Hilary here?

LEG. ALDEN:

Motion to table.

LEG. VILORINA•FISHER:

He would be a reappointment.

CHAIRPERSON NOWICK:

Is he a reappointment?

COMMISSIONER FOLEY:

That is not a reappointment. He's new.

CHAIRPERSON NOWICK:

That is not a reappointment.

LEG. VILORIA • FISHER:

Oh, sorry.

CHAIRPERSON NOWICK:

Motion to table by Legislator Alden, second by myself. All in favor?
Opposed? **1689 is tabled. (5 • 0)**

1704, authorizing use of Gardiner County Park by Long Island Alzheimer's Foundation Inc for their annual Paws to Remember Pet Walk fundraiser. (County Executive)

LEG. COOPER:

Motion to approve.

CHAIRPERSON NOWICK:

Motion to approve by Legislator Cooper, second by Legislator Browning. All in favor? Opposed? **1704 is approved. (Vote: 5 • 0)**

1705, authorizing use of the Long Island Maritime Museum by Cystic Fibrosis Foundation for their Annual run/walk and barbecue fundraiser. (County Executive) Same motion, same second. All in favor? Opposed? **1705 is approved. (Vote: 5 • 0)**

1706, authorizing the use of Indian Island County Park by Birthright of Peconic, Inc for its walkathon fundraiser. (County Executive)

LEG. BROWNING:

I'll make the motion.

CHAIRPERSON NOWICK:

Motion by Legislator Browning.

LEG. COOPER:

I'll second.

CHAIRPERSON NOWICK:

Second by Legislator Cooper. All in favor? Opposed? **1706 is approved. (Vote: 5•0)**

1719, appointing funds in connection with improvements at County Golf Courses West Sayville and Indian Island. (County Executive)

LEG. ALDEN:

Motion to approve.

LEG. VILORIA•FISHER:

Second.

CHAIRPERSON NOWICK:

Motion to approve by Legislator Alden, second by Legislator Vilorina•Fisher. All in favor? Opposed? **1719 is approved. (Vote: 5•0)**

1738, Directing the Department of Parks, Recreation and Conservation to cease all ongoing efforts to reopen the trap and skeet shooting range. I'm going to ask •• look, they're all here. Do I have a motion first?

LEG. BROWNING:

I'll make the motion.

CHAIRPERSON NOWICK:

Motion by Legislator Browning.

LEG. COOPER:

I'll second the motion.

CHAIRPERSON NOWICK:

Second by Legislator Cooper. Motion for discussion. And we have the Commissioner of Parks with us and Mr. Zwirn.

COMMISSIONER FOLEY:

If I may, there are some points made in the WHEREAS's in that resolution I'd like to talk about just so they don't stay on the record the way they are.

Reopening the trap and skeet range is in the public interest. We wouldn't do something that's not in the public interest. I don't believe you would have authorized us as many times as you have in the past to do something not in the public interest.

Shooting sports constitute a legitimate form of outdoor recreation similar to many other forms of outdoor recreation. Competitive shooting is an olympic sport. Shooting enthusiasts are numerous in Suffolk County and among those who visit it.

LEG. VILORIA•FISHER:

I'm sorry. Commissioner, could I just stop you. So, you're going WHEREAS by WHEREAS?

COMMISSIONER FOLEY:

Not exactly but some of the ••

LEG. VILORIA•FISHER:

Okay. I'm just saying it's the FOURTH WHEREAS that you referred to in your first statement?

COMMISSIONER FOLEY:

This is the FIFTH WHEREAS.

LEG. VILORIA•FISHER:

Okay. I see it. Thank you.

COMMISSIONER FOLEY:

And as to the SEVENTH, as you've heard previously, well, let's do a little history. That shooting range in some form or another has been there for nearly eighty years. There's probably a piece of lead there that's eighty years old. Tests of those monitoring wells have not shown any level above acceptable levels. How long •• that's eighty years of history of the lead being there. It's not mobile in that environment due primarily to the acidity of the soil. That's today's status.

The NINTH WHEREAS is a similar situation. It could threaten •• I'm sorry.

The EIGHTH WHEREAS; says that reopening of the facility of prohibited under the terms of the Pine Barren's Act. The Pine Barrens Commission has no jurisdiction over the reopening of this facility. The interval since the termination of their range operator's contract has been spent by the Parks Department conducting the studies and making the plans necessary to reopen the range in a responsible manner clearly indicating the Department's intention to reopen rather than abandon the site. If it were illegal, we would also never be able to reopen the horse stables at Southaven County Park.

The next WHEREAS talks about another site. No other site outside the Pine Barrens has been identified as suitable for a shooting range. Having been involved in the ATV Task Force, I know how few sites there are available for similar activities.

The SECOND RESOLVE directs us to terminate the contract. Immediately that would cost the County \$220,000 to recompense the contractor for what he has spent. There may be costs above and beyond that that we can't identify today.

And then these are not concluded in the WHEREAS's but there's been a lot of numbers thrown out about what the County's investing in this. By July 1st the hopeful opening date we'll have spent about \$250,304.21 in improvements to reopen this place.

On other points •• some of the other points you've heard the operator is currently in negotiations with a contractor for a lead reclamation project that will occur before the end of the year. It'll use the newest possible technology. And on this •• the issue that people make about return to the county versus the investment, if money were the only question, we would •• most of our parks we wouldn't have. We'd only golf courses and campgrounds and a few beaches. We wouldn't have a place to walk and a place to hike and we wouldn't have historic properties. And we wouldn't have preserved all the land we have because the return is so small. But I'll answer any of your questions.

CHAIRPERSON NOWICK:

Yes, I have a question. Commissioner, just a few questions. One question would be how long has this shooting range been there actually operating? Has it been an on and off kind of thing? Or has it just been closed for the last few years?

COMMISSIONER FOLEY:

There has been a shooting range there for the majority of this time in some kind of private ownership since the 1920's. We're not exactly sure whether that was consistently operated or there were ups and downs. It was operated by the County until 2001 when it was closed down because the concessionaire defaulted on his contract.

CHAIRPERSON NOWICK:

All right. It was operated by the County 'til 2001. When did the County actually start operating it?

COMMISSIONER FOLEY:

I think it was early '80's when the property was acquired.

CHAIRPERSON NOWICK:

So would it be '80's to 2001? Would it be like 20 some odd years; do you know?

COMMISSIONER FOLEY:

At least that. Actually when I think about it, it's longer. I don't remember the acquisition date of Southaven County Park. But it's 1960 something.

CHAIRPERSON NOWICK:

The reason I'm asking is I'm trying to figure out if most of these homes were already there or if people moved in after the shooting range ••

COMMISSIONER FOLEY:

Well, the shooting range has been there in some form since the 1920's.

CHAIRPERSON NOWICK:

Right. But I'm trying to find out how long the county has been operating it

actively.

COMMISSIONER FOLEY:

Well, from the back we heard 1964.

CHAIRPERSON NOWICK:

'64 actively operating it. Okay.

The other question I want to ask is, is it possible if the range is opened up again, I do find the pros and cons are very interesting here. And of course I understand where the people are coming from, but from what you're saying they built •• they moved in after the range was open so they knew the range was there. That's one thing. But on the other hand one lady testified that 9:00 in the morning the shooting starts. Now, wouldn't it be prudent for us to maybe think about if it was going to open up, and I don't know that it is, but if it was, doesn't that seem awfully early in the morning to start shooting when people •• could it be monitored a little bit better? Or is that not something we have any control over?

COMMISSIONER FOLEY:

We have control over the hours of operation.

CHAIRPERSON NOWICK:

When do they start?

COMMISSIONER FOLEY:

The planned hours of operation are nine to five.

CHAIRPERSON NOWICK:

Nine to five. And at night they don't go at all?

COMMISSIONER FOLEY:

Right.

CHAIRPERSON NOWICK:

So at the worst •• I know somebody was complaining about a 9:00 being too early. So that's •• all right. So nine to five. It doesn't go all night.

COMMISSIONER FOLEY:

No, it doesn't.

CHAIRPERSON NOWICK:

You've answered a question. I thought maybe it went all night Long Island.

COMMISSIONER FOLEY:

Well, there's not lights there. So it's not a lighted operation. You can't see the targets after dark so it's not •• but again ••

CHAIRPERSON NOWICK:

It's strictly daytime.

COMMISSIONER FOLEY:

It is.

CHAIRPERSON NOWICK:

And Saturday, Sunday. Seven days a week?

COMMISSIONER FOLEY:

No. It's •• I don't remember the schedule exactly but it's not seven days a week.

CHAIRPERSON NOWICK:

Five days a week?

COMMISSIONER FOLEY:

I think it's five.

CHAIRPERSON NOWICK:

Okay.

THE AUDIENCE:

I believe it's Wednesday through Sunday.

CHAIRPERSON NOWICK:

Wednesday through Sunday. Thank you. And also would any representative from the County Attorneys' Office be here so I just want to know •• do you see somebody?

COMMISSIONER FOLEY:

Yes, Dennis Brown is from the County Attorney's office.

CHAIRPERSON NOWICK:

Can you just give me an interpretation of whether this is in the •• whether the Pine Barrens Protection Act is, in fact, the piece of legal information that we need?

MR. BROWN:

Good afternoon. For those of you I haven't met in the past my name is Dennis Brown. And the answer to your question is yes, it does fall within the Pine Barrens Protection Act. And this is a core area. But what I would like to say is that the EIGHTH WHEREAS clause does adopt a legal position in this •• in this resolution, which may or may not be a correct legal position because terms like development, abandonment, recreational use, those are all legal terms of art which might have case law exceptions attached to them. So the EIGHTH resolution clause as it is drafted may be inconsistent with provisions of the body of case law under this act. And also may be insistent with the public record of the County Legislature as it exists to date. There also is in the Land Use Plan provisions that may support the continuation of or the reopening of the trap and skeet range.

CHAIRPERSON NOWICK:

So just to make that clear in layman's terms, I have here information in front of me that says reopening of the facility is not prohibited under the Pine Barrens Protection Act. That's a yes?

MR. BROWN:

That could be correct, yes, because that would be a legal interpretation. That could be one interpretation.

CHAIRPERSON NOWICK:

Wait, wait, wait. Okay. That could be correct or that is correct?

LEG. ALDEN:

Where are you reading from?

CHAIRPERSON NOWICK:

I'm reading from information. And it came from a memorandum from the County Executive's Office. Don't you have it? We all have it. You have it?

LEG. ALDEN:

This information?

CHAIRPERSON NOWICK:

Did we get that from the County Attorney's Office?

COMMISSIONER FOLEY:

No, I handed that out before the meeting started.

CHAIRPERSON NOWICK:

Oh, thank you. So what I'm reading is reopening of the facility is not prohibited under the Pine Barrens Protection Act. And is that ••

MR. BROWN:

That's certainly legalese defensible, yes.

CHAIRPERSON NOWICK:

Okay. Thank you. And, of course •• and they say the site has never been abandoned. Okay. Legislator Vilorio•Fisher, you had some questions.

LEG. VILORIA•FISHER:

Yes, I did have a question. I'm sorry. I was distracted from a second. My questions again were going back to the Pine Barrens Protection act of 1993. And the •• as you say, some of these are terms of art.

MR. BROWN:

Correct.

LEG. VILORIA•FISHER:

And when we look at the legislative record because we have quite voluminous records on this particular issue, we've had a number of parks committee hearings and general meetings on this issue. And the terms such as abandonment, if there was an intention of opening at some future date, then it would not be a clear indication of abandonment. And I wondered if that was one of the terms that was called into question here.

MR. BROWN:

And I would agree with you, yes, that's correct because abandonment has been defined as a complete cessation of non•conforming use. And development, even though development is reestablishment of a use, it incorporates the term abandoned because it says which has been abandoned for one year. And there's been since it has been closed up until the present time, again, this is really not my area of expertise, it would be Parks because they deal more with the facts •• mine's from a legal perspective •• but the activities which have occurred from 2001 to the present time could indeed be construed as being contrary to an abandonment; that there has not been a complete cessation.

LEG. VILORIA•FISHER:

Precisely my question.

MR. BROWN:

Exactly.

LEG. VILORIA•FISHER:

Which would be a legal interpretation rather than the, you know, the empirical use of what's going on in the Parks Department. I'm just looking at the legal interpretation because abandonment would not be there if there had been an intent to go back to the use at some later time.

MR. BROWNING:

That's correct.

LEG. VILORIA•FISHER:

And that's what's been on the public record of the Legislature.

MR. BROWN:

That's correct. Abandonment is a fact term.

LEG. VILORIA•FISHER:

Okay. That was my question because I think as we consider this piece of legislation •• and I'm not talking in terms of the merits of the bill •• I'm just looking at what the Commissioner has said in the WHEREAS clauses, some of them are contrary to what we have said here as a Legislature. And I as a legislator did vote a few years ago on certain actions that would be taken by the Legislature and by the Parks Department. And I never want to be in the position of having said that I voted for something which was contrary to the public. What was the first •• contrary to the public interest. So I want to be very careful ••

MR. BROWN:

I believe that what I said was contrary to the public record.

LEG. VILORIA•FISHER:

No, no, no. I'm not referring to what you said. I'm referring to the actual WHEREAS in the legislation which is that reopening is not in the public interest and because of actions that have been taken by the Legislature in the past which was to explore the ramifications of this in order to reopen, that that would imply that we were doing something contrary to the public interest. I believe that that was something somewhat in the spirit of what you had said, Commissioner, earlier.

COMMISSIONER FOLEY:

Yes, it is.

LEG. VILORIA•FISHER:

Okay. Thank you for your answers.

CHAIRPERSON NOWICK:

Yes, Legislator Browning.

LEG. BROWNING:

Okay. Thank you. I have a couple of questions for you. First of all, the trap and skeet is located at the Carmen's River watershed; correct?

COMMISSIONER FOLEY:

It is.

LEG. BROWNING:

The trap and skeet is also in the core preservation area of the Pine Barrens?

COMMISSIONER FOLEY:

It is.

LEG. BROWNING:

Okay. We talked about •• Miss Davis came and spoke about the trap and skeet and the location of her home to the trap and skeet. What is there between her back yard and the trap and skeet?

COMMISSIONER FOLEY:

I'm not certain of which home is hers. I don't know.

LEG. BROWNING:

Okay. I know what home that is.

COMMISSIONER FOLEY:

Okay.

LEG. BROWNING:

Between her back yard and the trap and skeet is a chain link fence. And at some point there was a wooden fence put up in her backyard. Why would the County put up a wooden fence? I believe the County put up a wooden fence behind her backyard because of •• I'm sorry I didn't ask that question of Mrs. Davis, but she is nodding her head to tell me yes. But the County did put up a wooden fence behind her pool and her backyard because of the accidental shooting towards her pool; correct?

COMMISSIONER FOLEY:

Well, not having been involved in the decision making process on that fence, I can't answer that question. It could be just to screen the area visually to be a better neighbor. But any assumption is as good as another since I wasn't there.

LEG. BROWNING:

And you're familiar with •• obviously you're familiar with Gerard Road.

COMMISSIONER FOLEY:

Yes.

LEG. BROWNING:

And what is between the trap and skeet •• what kind of fence is there between the trap and skeet and the local residents on Gerard Road?

COMMISSIONER FOLEY:

There's a chain link fence.

LEG. BROWNING:

A chain link fence. Okay. Yesterday at Public Works we approved the purchase to pay \$2 million for a sound wall on Motor Parkway. My question is, and also for the residents, there is concerns if this trap and skeet was to open, is there a plan to build a sound wall between the residents and the trap and skeet?

MR. ZWIRN:

The answer is no. From the County Exec's •• the answer is no. I just want to respond. You have to remember when that sound wall was recommended to screen in the Smithtown area, it wasn't the County Executive. The County Executive is following through on a legislative initiative. It was the Legislature that directed the County Executive to study it to come up with a plan to try to address it. So it was Legislator Kennedy and the rest of the Legislature who overrode his veto on that bill.

COMMISSIONER FOLEY:

And no shouldn't be the final answer to that question because I've said here before and I've said in negotiations and demands with the new operator we're committed to testing some non•permanent sound mitigation methods to dampen the noise as much as we can. We're trying to do this right. I don't think that it was proven that a sound wall in that area would be any better than the things we're going to try. But the things we'll try will be much less expensive.

LEG. BROWNING:

Okay. Well, you know, one of the concerns is, it's not just the environmental issue but also the safety of the people in the community. And from what I can see a chain link fence, God forbid there is an accidental shooting like there has been in the past, that a chain link fence is not going to stop a bullet. And there are homes facing directly by that fence?

COMMISSIONER FOLEY:

Well, if I might, this shooting range has to operate under a number of safety guidelines. And the operator himself can't afford there to be accidents here. And they will be supervising all the shooting, all the activities. That chain link fence is not in any ordinary line of fire. The shots are going away from that or the ones coming toward it are so far away, the risk of shot coming through the fence is negligible. There's maybe zero. Probably is zero.

LEG. BROWNING:

Well, I don't think the residents are still going to be very comfortable with that. However, you know, I know accidental shootings happen. It happens all the time. You hear about it all the time. Those things happen even with qualified experienced shooters.

One of my other questions is, is there was a SEQRA determination done. And that was a Type I?

COMMISSIONER FOLEY:

Yes.

LEG. BROWNING:

And what was that done for? Was that for development?

COMMISSIONER FOLEY:

No. It was done to assess the impact of the reopening based on the fact that we're not changing the footprint of the building, we're not changing the layout of the firing stations. We're essentially not changing much of anything in a permanent way.

LEG. BROWNING:

So that was for planning purposes?

COMMISSIONER FOLEY:

Yes, essentially.

LEG. BROWNING:

And there's absolutely no development going on to reopen this trap and skeet?

COMMISSIONER FOLEY:

Zero development will be needed to reopen trap and skeet. If it ever is, we'll have to go through the entire process, the Pine Barrens Commission, CEQ, SEQRA; the whole thing.

LEG. BROWNING:

No development, no re•building of anything? There's no trees being cut.

COMMISSIONER FOLEY:

We are •• we are renovating the building that is the main entrance place, formerly was a restaurant, was a place where they stored guns, stored ammunition, things like that. We are renovating that building on its same footprint. We have removed the outside deck and will replace it with a handicap ramp on the same footprint. We have trimmed the trees to take those back to what they were before the place was closed. We have not cut trees unduly. We've cleared the roadways that were preexisting before this place was closed.

LEG. BROWNING:

Okay. And, well, you know, from what I can see when I was over there, there is some new development going on. And I believe under the Pine Barrens Act, this constitutes •• it has been abandoned. The last vendor was terminated. No longer allowed to operate there because he failed to follow through with some regulations that were required of him. I do believe that as far as this trap and skeet is concerned, it has not gone through CEQ. Am I correct? It has never gone in front of CEQ?

COMMISSIONER FOLEY:

It has been in front of CEQ.

LEG. BROWNING:

It has?

COMMISSIONER FOLEY:

Yeah.

LEG. VILORIA • FISHER:

I thought it did years ago.

LEG. BROWNING:

And when did this happen?

COMMISSIONER FOLEY:

The last time was in November of 2004. And I think it had been before that although I don't have the records to show that.

LEG. BROWNING:

Okay. And there is no intention ever to do a SEQRA Type II for development?

COMMISSIONER FOLEY:

I didn't say that. In fact I said the opposite. I said if we do something that would constitute development, we will go through every step of the process that needs to be gone through to make this happen.

LEG. BROWNING:

I want it on the record. And, you know, like I said one of the things is that I know the residents are very concerned about prior to opening •• you're talking about opening it on July 1st. One of the other things is the residents have reported that they're seeing lead removal being done at the site. Is that correct? Is that currently going on?

COMMISSIONER FOLEY:

Well, again, we remove piles of debris that had been accumulated there years ago. That was all tested, approved for use as alternate daily cover at a landfill. It was then transported to the Brookhaven landfill with all approvals, everything legal that needed to be done to undertake that operation.

LEG. BROWNING:

So you took it to •• Brookhaven landfill you're talking? That's where it's going?

COMMISSIONER FOLEY:

Yes. It's done.

LEG. BROWNING:

And what if this trap and skeet doesn't open. I've been hearing a lot of complaints about how it's going to cost so much money. You know, if this has all gone to the landfill, why would it be costing so much money to clean it up permanently?

COMMISSIONER FOLEY:

Those arguments are driven by the classification of the property. If it is still in use as an active firing range, the lead that's there is an acceptable situation. If you close it permanently and never intend to use it as a firing range again, then it's got to be returned to some other status. The most logical one in this case would be parkland. Parkland has to be pretty clean. So those numbers that are thrown around about the multi million costs of cleaning it up are because the use of the land would change from an active shooting range to something else.

LEG. BROWNING:

So it's not because it's a solid hazard waste? Hazardous waste?

COMMISSIONER FOLEY:

No. Not if it's an active shooting range.

LEG. VILORIA • FISHER:

I have a question.

LEG. BROWNING:

Go ahead, ask your question. I'm done for now.

CHAIRPERSON NOWICK:

Legislator Alden.

LEG. ALDEN:

I just want a point of clarification from Legislator Browning through the Chair. What you're referring to as a shooting, you meant the pool. You're not saying a human incident? You're not referring to •• because I don't know of any incident where a human being got shot.

LEG. BROWNING:

No, no.

LEG. ALDEN:

The pool. Okay.

LEG. BROWNING:

Shooting at the pool was an accidental shooting.

CHAIRPERSON NOWICK:

Thank you for clarifying that.

LEG. ALDEN:

Right. Okay. I thought you meant somebody got shot.

CHAIRPERSON NOWICK:

Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Are you done?

LEG. ALDEN:

That was it.

LEG. VILORIA•FISHER:

Commissioner. Mr. Weygand, I believe that was his name, the gentleman who was here with the child, testified •• and I visited the range years ago when it was before us. I haven't been there in a few years. This gentleman testified that although there has been no activity on this site, that none of the flora have grown back; that it's become a dead area. Can you speak to that at all?

COMMISSIONER FOLEY:

I walked it last week. And I don't see the evidence of that. I don't agree that's true.

LEG. VILORIA•FISHER:

So you have seen return of flora?

COMMISSIONER FOLEY:

What's that?

LEG. VILORIA•FISHER:

You've seen return of flora there?

COMMISSIONER FOLEY:

Yes. The thing that would disturb the flora is the lead reclamation projects when they do them. They essentially go through there and scoop off the top four inches of soil and everything that's in it. And sift that to get the lead out of it to pro reclamation. That naturally digs all the grass and weeds and whatever is there.

LEG. VILORIA • FISHER:

That has been on going?

COMMISSIONER FOLEY:

That hasn't happened since '92, I think, was the last time.

LEG. VILORIA • FISHER:

Since '92?

COMMISSIONER FOLEY:

Yes.

LEG. VILORIA • FISHER:

So that one should be able to assume that since the cessation of activity which was 2003? One? One. That flora would have ••

COMMISSIONER FOLEY:

And they have.

LEG. VILORIA • FISHER:

•• grown back. And you're saying ••

COMMISSIONER FOLEY:

I was worried about getting ticks as I walked through there. I mean there's grass, there's weeds. There are places where there's not the re•growth there is in others, but over the expanse of the open field, there's grass and weeds and things grow.

LEG. VILORIA • FISHER:

Okay. Thank you, Commissioner.

CHAIRPERSON NOWICK:

Okay. Thank you. We have •• there are no further questions. Do we have a motion? Legislator Browning.

LEG. BROWNING:

Yes. I have gone through the trap and skeet. I walked through there with the residents. And when you say there is nothing growing, I have pictures here of that area where you're talking about. It's pure dirt. There is no grass. There is no weeds. It's pure dirt. Nothing but lead pellets and clay.

COMMISSIONER FOLEY:

There are some spots like that. But the vast expanse of the field has grass and weeds and everything else growing on it like you would expect to see.

LEG. BROWNING:

Well, like I say anybody's more than welcome to come and look at these pictures but there is no floras, no grass, no weeds growing in that area. It's very clear. You can see it right here where the lead and the clay is. There is nothing growing.

CHAIRPERSON NOWICK:

Are there any other questions of the Commissioner? Having heard no questions, we have a motion by Legislator Browning to approve.

LEG. BROWNING:

I have a motion to approve.

CHAIRPERSON NOWICK:

We have a second by •• who made the second?

LEG. COOPER:

I'll second the motion.

CHAIRPERSON NOWICK:

Legislator Cooper. All in favor? Actually I am going to make a motion to table this. And I have a second by Legislator Viloría•Fisher. All in favor?

LEG. VILORIA•FISHER:

On the motion. I'm going to just make a statement on the motion. We

have heard very compelling testimony on both sides. I'm concerned about the language of the WHEREAS's. And I've asked the sponsor if we could look at the language in some of the WHEREAS clauses to which our Commissioner has referred. As a Legislator who sat at this horseshoe and voted for looking at changes made to the trap and skeet range, looking at opening it in the future, I am compelled to look for a change in some of the WHEREAS's that speak to the opening of the trap and skeet range being contrary to the public interest because as people who voted for the examination of the reopening of this, I don't ever want to be counted as someone who voted for something that would be contrary to the public interest.

Secondly, I have serious questions about whether or not reopening the facility is prohibited by the Pine Barrens Protection Act. Again, this is something that we addressed five years ago. And we had voted as a Parks Committee in the affirmative to look at the reopening at some future time. And I don't want to have it on the record that we would have supported an action that would have been contrary to the Pine Barrens Protection Act of 1993.

That being said, I'm going to ask the sponsor of the bill who I think is doing a commendable job in representing her constituency and taking a serious look at this again, I'm asking the sponsor to look at those WHEREAS clauses again and to work with our Parks Department and our County Executive's Office in rewording those WHEREAS clauses so that it doesn't call into question the record and the minutes of this Parks Committee has it has deliberated in the past and the Legislature in general as we have voted in the past. So I am going to second the motion to table.

CHAIRPERSON NOWICK:

Legislator Alden.

LEG. ALDEN:

On the motion to table, I don't think it's fair to the people that came down here who live in the area, I don't think it's fair to the people that want to go back in there and shoot to table this. We've looked at this for five years very exhaustingly we've looked at it. And I believe that Legislator Vilorio

•Fisher was Chairwoman of the Parks part of that time and had looked at numerous aspects of this. I've received a whole bunch of e•mails from the people that live in that area. They are going to go to court one way or the other. I think let's just give them some closure today, let's vote it up or down, let them proceed if they're going to make •• if they're going it as a lawsuit, let them bring it as a lawsuit. Let them bring it as a lawsuit and then maybe they can have legal closure to it. But it's not fair to anybody. It's not fair to us. We've used up a lot of government time in the past five years. And to not give these people closure today one way or the other, I think that's unfair to everyone. So I would just make a suggestion vote it up, vote it down and allow it to proceed to the next stage which sounds like it's going to be legal no matter what we do.

(APPLAUSE)

CHAIRPERSON NOWICK:

Let me ask another a question of Counsel. Is there a way to adjust that WHEREAS clause? Let it go subject to call •• discharge without recommendation and have that corrected by the time it reaches the full Legislature?

MR. BARRY:

We're actually passed the amended copy deadline. So the only way to do that is with a CN.

CHAIRPERSON NOWICK:

Let me also ask another question of whoever it is that can answer it whether it's the Commissioner or Counsel. If this is said to open on July 1st, we do not meet again until August, what happens then? Does the •• do we open it up and then just start the business as usual? Is that what we're going to do? Yes.

COMMISSIONER FOLEY:

All our activities are targeted toward a July 1st opening.

CHAIRPERSON NOWICK:

So that's going to open up •• well, either way even if this was passed out today ••

LEG. ALDEN:

Madam Chair?

CHAIRPERSON NOWICK:

Yes.

LEG. ALDEN:

Again, just to really just expand on my original comments, even if we pass this today, even if it passed at Riverhead on Tuesday, the County Executive has over 30 days to look at it. It goes way past the opening or anticipated opening. This is going to end up in a legal battle. I suggest that, you know, we give the people closure. Let's just do something today so they can see they've got closure.

CHAIRPERSON NOWICK:

I'm going to withdraw my tabling motion.

LEG. ALDEN:

Vote it up or down today. It's not fair to keep them hanging.

CHAIRPERSON NOWICK:

That's fine. I'm going •• is there any legal way I have to do that or I can just ••

LEG. VILORIA•FISHER:

I'd like to discharge it without recommendation.

MR. ZWIRN:

Madam Chair, if I might, the County Attorney has requested that even an opportunity to just discuss in the executive session some of the ramifications of what happens here today. If he might. Perhaps maybe when you finish

the agenda and come back and just give him the opportunity to •• •

CHAIRPERSON NOWICK:

All right. We have one more on the agenda. And then we will go into •• we have also a meeting at one o'clock.

LEG. ALDEN:

One at one o'clock and then you have another one right after that.

CHAIRPERSON NOWICK:

Okay. We're going to do this quickly then. 1738, I'm going to hold.

1756, transferring funds to fund a volunteer firefighter memorial in the Village of Amityville. (County Executive)

LEG. COOPER:

Motion to approve.

CHAIRPERSON NOWICK:

Motion to approve by Legislator Cooper.

LEG. VILORIA•FISHER:

Second.

CHAIRPERSON NOWICK:

Second by Legislator Viloria•Fisher. All in favor? Opposed? **1756 is approved. (Vote: 5•0)**

1765, amending the 2006 capital budget and program and appropriating funds in connection with the purchase of heavy duty equipment for County Parks. (County Executive)

LEG. COOPER:

Motion to approve.

CHAIRPERSON NOWICK:

Motion to approve by Legislator Cooper, second by myself. All in favor?

Opposed? **1765 is approved. (Vote: 5•0)**

CHAIRPERSON NOWICK:

Now, the executive session can we do this really fast because we have a meeting in five ••

LEG. ALDEN:

Don't clear the auditorium. We'll go in the back.

CHAIRPERSON NOWICK:

Okay. Better yet. I'm making a motion to go ••

LEG. ALDEN:

I'll make a motion to go into executive session to discuss the legal ramifications of 1738 limited to about a two•minute ••

CHAIRPERSON NOWICK:

Second by myself. All if favor? Opposed. We will be back in three minutes.

**(THE COMMITTEE WENT INTO EXECUTIVE SESSION FROM 1:03 PM
TO 1:13 PM)**

CHAIRPERSON NOWICK:

All legislators please report to the horseshoe. We're back in regular section now.

LEG. ALDEN:

The executive session was closed at ••

CHAIRPERSON NOWICK:

Executive session was closed at 1:07. All legislators to the horseshoe please. We do not have a quorum.

LEG. BROWNING:

I'll get them.

CHAIRPERSON NOWICK:

Okay. We're back in session. And Commissioner while I have you sitting up there, I want to ask you a question on 1705, authorizing the use of the Long Island Maritime Museum by Cystic Fibrosis. Just a clarification, did the group apply for a liquor license on that? And has it been granted?

COMMISSIONER FOLEY:

I am not sure. I'll have to check when I get back. If they're going to serve liquor, they have to have one. It's a requirement of the permit.

CHAIRPERSON NOWICK:

Okay. They're saying it's •• okay. Because on their application it says the sale of alcoholic beverages is prohibited but now we understand they have applied for a liquor license; is that correct?

COMMISSIONER FOLEY:

If they want to serve alcohol, they will have to change their permit application and they'll have to submit a copy of their approved license before we finalize the permit.

CHAIRPERSON NOWICK:

All right. Commissioner, you will let us know on that.

COMMISSIONER FOLEY:

Okay.

CHAIRPERSON NOWICK:

Okay. We have a motion before us on **1738 directing the Department of Parks, Recreation and Conservation to cease all on going efforts to reopen the trap and skeet shooting range at Southaven County Park, Town of Brookhaven.**

LEG. VILORIA•FISHER:

Which one is before us?

CHAIRPERSON NOWICK:

1738. There's a motion to approve.

LEG. VILORIA•FISHER:

Okay. But I had made a motion to table.

CHAIRPERSON NOWICK:

We have a motion to table by Legislator Viloria•Fisher.

LEG. COOPER:

And I'll second that motion.

CHAIRPERSON NOWICK:

Which supersedes the motion to approve. And it's seconded by Legislator Cooper.

LEG. BROWNING:

I reluctantly want to table this. I would like this to bill. I believe if we continue to vote, whether we're going to vote it up or down, it's going to be voted down, I do not want to vote my bill down. I don't want to see this happen. I want to keep it alive. So I don't know how the vote is going to go on a table. I would prefer not to table, but if I have to, that's what I'm going to have to do.

LEG. ALDEN:

In response? Once again, it's not •• this is not fair. If we're not going to give them closure, it's not fair. If there's some changes you want to make to your bill, then I would suggest, you know, redraft, re•file it in the future. All its going to do is prolong. These people are going to be in Riverhead. They they're going to be at the next committee meeting in August. It's not going to give them closure one way or the other. So if they can have a direction of where to go.

LEG. BROWNING:

Okay. Based on executive session, like I said, I'm reluctantly going to table it. But, you know, I'm not going to let it die. I'm not letting my bill die. It's

going to stay. Yes, we've talked about it, some of the WHEREAS's. And it needs to be amended. And I can agree to that.

CHAIRPERSON NOWICK:

Just as I understand right now, whether or not this is tabled or not, this trap and skeet will be opening up July 1st; that correct?

COMMISSIONER FOLEY:

That's the plan. We still have a lot of work to do. We may not make July 1st, but that's the plan.

CHAIRPERSON NOWICK:

Legislator Viloria•Fisher, you have a question.

LEG. VILORIA•FISHER:

Yes. Actually I have a comment with regard, you know, closure and seeing this •• the bill needs to have language changed. There's no reason why Legislator Browning would have to go back to the beginning and lay it on the table again. She's been working very hard on this. If she needs to work on the language this give her an opportunity to work on the language. This is not going to be before us on Tuesday in Riverhead for those people who have taken time from work and think that it's going to be before us. When we table it, we're not going to go back to this until the next time that the Parks Committee meets. And that is in August.

So I just want you to know that it's not going to be before the full Legislature next Tuesday. It won't be back for public discussion until August when this Park committee meeting occurs again. And I don't think we ever have to be concerned whether or not it's going to take a lot of our time to listen to the public. It's been very informative to hear the arguments throughout the years. And there are good people and good arguments on both sides of this issue. And I think it's incumbent upon us to listen to them.

(APPLAUSE)

CHAIRPERSON NOWICK:

Yes. And I think Legislator Vilorio•Fisher's right. And that's why we had this meeting today. And we did get the opportunity to listen to all sides where some of you brought out points that we were not aware of and others brought other points out. That's what this was all about today. And thank you all for coming and letting us know your sides. Legislator Alden.

LEG. ALDEN:

Yeah. And just to allow elaborate a little bit more on that, I think we've shown our sensitive side and we've shown it for five years now. And what I want to be real clear on my comments, they're not to cut off the debate because I've never voted to cutoff debate. I've never voted to close the public portion when people put in cards even though it meant sometimes I sat in Riverhead or sat over here 'til six, seven o'clock in the morning listening to public. You guys, you take your time to come down here to address us. You absolutely should be heard. I'm one of the only ones that sits at the legislative horseshoe when we have public hearings. And I can go back on my record when there's been four, five six of us sitting there for public hearings. And it's always been me. Other people they've decided to go and conduct their personal business and go else where, expend their lunch hours. But I've been there for the people to listen to them. So that's not what this is about.

What I'm saying is I think in fairness to you guys because I've heard your arguments for five years, and I've heard you've come down here and you've taken from work on both sides of this issue, this isn't fair to just leave it open. This is fair •• it would be fair to close the issue right today and then let it proceed to the next stage. But that's just a clarification. I'm not in favor of cutting off public debate on this. If you want to come down to Riverhead the next public meeting, the next committee meeting, I'll be sitting here listening to your comments. So I want to be real clear on that. Thank you.

CHAIRPERSON NOWICK:

Okay. So we were going to vote now to table or not to table. Legislator Cooper.

LEG. COOPER:

I'm sorry, just briefly. For the record I have not missed a public hearing in six and a half years.

LEG. ALDEN:

I'm sorry. Jon and I were the only two that would ••

CHAIRPERSON NOWICK:

Excuse me, Legislator Alden, with all due respect.

LEG. COOPER:

Cameron, me and Lynne.

LEG. VILORIA • FISHER:

Excuse me.

LEG. COOPER:

And Vivian.

LEG. BROWNING:

In six months I haven't either.

LEG. COOPER:

But seriously now ••

CHAIRPERSON NOWICK:

Is that what you wanted to say?

LEG. COOPER:

No. I wanted to thank the sponsor Legislator Browning for bringing this bill before us as it has given us an opportunity to review some issues that perhaps should have been reviewed earlier. And there had been valid concerns raised from both sides. And these are important issues that were discussed today. But I do have to agree that based on the information that we've learned in executive session, we really have no alternative but to not move forward on this resolution today. So, I will be supporting the tabling motion and we will be taking this up again most likely in August.

CHAIRPERSON NOWICK:

Okay. As you know I did withdraw my tabling motion. But there is another tabling motion. Again, if this does pass, this will not be heard on Tuesday. This will come back here in August for those of you that would like to know. We will be considering it then if this tabling is in fact approved. I have a tabling motion by Legislator Vilorio•Fisher, second by Legislator Cooper. All in favor? Opposed?

LEG. ALDEN:

Opposed.

CHAIRPERSON NOWICK:

Opposed. Tabling motion has been •• has been approved. **(Vote: 3•2. Legislators Alden and Nowick opposed.)**

And that will end the meeting of the Parks and Recreation Committee. Thank you.

(THE MEETING CONCLUDED AT 1:23 PM)
_ _ DENOTES SPELLED PHONETICALLY